



Agriculture & Environment Appropriations Committee

Monday, April 17 2006

3:00 p.m.

306 House Office Building

ACTION PACKET

COMMITTEE MEETING REPORT
Agriculture & Environment Appropriations Committee
4/17/2006 3:00:00PM

Location: 306 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Stan Mayfield (Chair)	X		
Bob Allen			X
Charles Dean	X		
Greg Evers	X		
D. Alan Hays	X		
Will Kendrick	X		
Kenneth Littlefield	X		
Richard Machek	X		
Matthew Meadows	X		
Ralph Poppell	X		
Dwight Stansel	X		
Trudi Williams	X		
Juan Zapata	X		
Totals:	12	0	1

COMMITTEE MEETING REPORT

Agriculture & Environment Appropriations Committee

4/17/2006 3:00:00PM

Location: 306 HOB

HB 229 CS : Exploration, Production, and Storage of Petroleum and Natural Gas

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Bob Allen				X	
Charles Dean			X		
Greg Evers	X				
D. Alan Hays		X			
Will Kendrick	X				
Kenneth Littlefield	X				
Richard Machek	X				
Matthew Meadows	X				
Ralph Poppell	X				
Dwight Stansel	X				
Trudi Williams	X				
Juan Zapata		X			
Stan Mayfield (Chair)		X			
Total Yeas: 8		Total Nays: 3			

COMMITTEE MEETING REPORT
Agriculture & Environment Appropriations Committee
4/17/2006 3:00:00PM

Location: 306 HOB

HB 1039 CS : Miami-Dade County Lake Belt Area

<input checked="" type="checkbox"/> <i>Favorable</i>					
	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Bob Allen				X	
Charles Dean			X		
Greg Evers	X				
D. Alan Hays	X				
Will Kendrick	X				
Kenneth Littlefield	X				
Richard Machek	X				
Matthew Meadows	X				
Ralph Poppell			X		
Dwight Stansel	X				
Trudi Williams	X				
Juan Zapata	X				
Stan Mayfield (Chair)	X				
Total Yeas: 10		Total Nays: 0			

COMMITTEE MEETING REPORT
Agriculture & Environment Appropriations Committee
4/17/2006 3:00:00PM

Location: 306 HOB

HB 1347 CS : Land Management

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Bob Allen				X	
Charles Dean			X		
Greg Evers	X				
D. Alan Hays	X				
Will Kendrick	X				
Kenneth Littlefield	X				
Richard Machek	X				
Matthew Meadows	X				
Ralph Poppell	X				
Dwight Stansel	X				
Trudi Williams	X				
Juan Zapata			X		
Stan Mayfield (Chair)	X				
Total Yeas: 10		Total Nays: 0			

Appearances:

Babcock Ranch
Eric Draper (Lobbyist) - Proponent
2507 Callaway Road # 103
Tallahassee FL 32312

COMMITTEE MEETING REPORT
Agriculture & Environment Appropriations Committee
4/17/2006 3:00:00PM

Location: 306 HOB

HB 1459 : Regulated Reptiles

☒ *Favorable With Committee Substitute*

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Bob Allen					X
Charles Dean			X		
Greg Evers	X				
D. Alan Hays	X				
Will Kendrick		X			
Kenneth Littlefield	X				
Richard Macheek	X				
Matthew Meadows	X				
Ralph Poppell	X				
Dwight Stansel	X				
Trudi Williams	X				
Juan Zapata	X				
Stan Mayfield (Chair)	X				
Total Yeas: 10 Total Nays: 1					

Appearances:

Regulated Reptiles

Carol Baskin - Information Only

Big Cat Rescue

12802 Easy Street

Tampa FL 33625

Phone: 813-493-4564

Regulated Reptiles

Julie Jones (Lobbyist) (State Employee) - Information Only

Fish and Wildlife Conservation Commission

620 S. Meridian Street

Tallahassee FL 32399

Phone: 850-922-8063

COMMITTEE MEETING REPORT
Agriculture & Environment Appropriations Committee
4/17/2006 3:00:00PM

Location: 306 HOB

HB 7075 : Department of Agriculture and Consumer Services

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Bob Allen				X	
Charles Dean			X		
Greg Evers	X				
D. Alan Hays	X				
Will Kendrick	X				
Kenneth Littlefield	X				
Richard Machek	X				
Matthew Meadows	X				
Ralph Poppell	X				
Dwight Stansel	X				
Trudi Williams	X				
Juan Zapata	X				
Stan Mayfield (Chair)	X				
Total Yeas: 11 Total Nays: 0					

COMMITTEE MEETING REPORT
Agriculture & Environment Appropriations Committee
4/17/2006 3:00:00PM

Location: 306 HOB

Summary:

Agriculture & Environment Appropriations Committee

Monday April 17, 2006 03:00 pm

HB 229 CS	Favorable	Yeas: 8	Nays: 3
HB 1039 CS	Favorable	Yeas: 10	Nays: 0
HB 1347 CS	Favorable With Committee Substitute	Yeas: 10	Nays: 0
HB 1459	Favorable With Committee Substitute	Yeas: 10	Nays: 1
HB 7075	Favorable With Committee Substitute	Yeas: 11	Nays: 0

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 1459

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Agriculture & Environment
Appropriations

Representative Poppell offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 372.86, Florida Statutes, is amended to
read:

372.86 Possessing, exhibiting reptiles of concern
~~poisonous or venomous reptile~~; license required. -

(1) The Fish and Wildlife Conservation Commission shall
promulgate a list of reptiles of concern including venomous,
non-venomous, native, nonnative, or other reptiles for which the
capture, possession, transportation, or exhibition is regulated.
The commission is authorized to adopt rules pursuant to chapter
120 to implement the provisions of ss. 372.86-372.91.

(2) No person, firm, or corporation shall capture, keep,
possess, or exhibit any ~~poisonous or venomous~~ reptile of concern
without first having obtained a special permit or license

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

therefor from the Fish and Wildlife Conservation Commission as herein provided.

Section 2. Section 372.87, Florida Statutes, is amended to read:

372.87 License fee; renewal, revocation. - The Fish and Wildlife Conservation Commission is hereby authorized and empowered to issue a license or permit for the capturing, keeping, possessing, or exhibiting of reptiles of concern ~~poisonous or venomous reptiles~~, upon payment of an annual fee of \$100 and upon assurance that all of the provisions of ss. 372.86-372.91 and such other reasonable rules and regulations as said commission may prescribe will be fully complied with in all respects. Such permit may be revoked by the Fish and Wildlife Conservation Commission upon violation of any of the provisions of ss. 372.86-372.91 or upon violation of any of the rules and regulations prescribed by said commission relating to the keeping, possessing, and exhibiting of any reptile of concern ~~poisonous and venomous reptiles~~. Such permits or licenses shall be for an annual period to be prescribed by the said commission and shall be renewable from year to year upon the payment of said fee and shall be subject to the same conditions, limitations, and restrictions as herein set forth. All monies received pursuant to this section shall be deposited into the State Game Trust Fund to be used to implement, administer, and enforce, and educate the public regarding ss. 372.86-372.91.

Section 3. Section 372.88, Florida Statutes, is amended to read:

372.88 Bond required, amount. - No person, party, firm, or corporation shall exhibit to the public either with or without charge, or admission fee any ~~poisonous or venomous~~ reptile of

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

51 concern which is venomous without having first posted a good and
52 sufficient bond in writing in the penal sum of \$1,000 payable to
53 the commission ~~Governor of the state, and the Governor's~~
54 ~~successors in office~~, conditioned that such exhibitor will
55 indemnify and save harmless all persons from injury or damage
56 from such reptiles of concern which are venomous ~~poisonous or~~
57 ~~venomous reptiles~~ so exhibited and shall fully comply with all
58 laws of the state and all rules and regulations of the Fish and
59 Wildlife Conservation Commission governing the capturing,
60 keeping, possessing, or exhibiting of reptiles of concern which
61 are venomous ~~poisonous or venomous reptiles~~; provided, however,
62 that the aggregate liability of the surety for all such injuries
63 or damages shall, in no event, exceed the penal sum of said
64 bond. The surety for said bond must be a surety company
65 authorized to do business under the laws of the state or in lieu
66 of such a surety, cash in the sum of \$1,000 may be posted with
67 the said commission to ensure compliance with the conditions of
68 said bond.

69 Section 4. Section 372.89, Florida Statutes, is amended to
70 read:

71 372.89 Safe housing required. - All persons, firms, or
72 corporations licensed under this law to capture, keep, possess,
73 or exhibit any reptile of concern ~~poisonous or venomous reptiles~~
74 shall provide safe, secure, and proper housing for said reptiles
75 in cases, cages, pits, or enclosures. It shall be unlawful for
76 any person, firm, or corporation, whether licensed hereunder or
77 not, to capture, keep, possess, or exhibit any reptile of
78 concern ~~poisonous or venomous reptiles~~ in any manner not
79 approved as safe, secure, and proper by the Fish and Wildlife
80 Conservation Commission.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

81 Section 5. Section 372.90, Florida Statutes, is amended to
82 read:

83 372.90 Transportation. - Reptiles of concern which are
84 venomous ~~Poisonous or venomous reptiles~~ may be transported only
85 in the following fashion: The reptile, or reptiles shall be
86 placed in a stout closely woven cloth sack, tied or otherwise
87 secured. This sack shall then be placed in a box. The box shall
88 be of strong material in solid sheets, except for small air
89 holes, which holes shall be screened. Boxes containing ~~poisonous~~
90 ~~or venomous snakes or other~~ reptiles shall be prominently
91 labeled "~~Danger Poisonous Snakes~~" or "Danger-Venomous ~~Poisonous~~
92 ~~Reptiles.~~" The commission shall establish by rule the
93 transporting requirements for reptiles of concern.

94 Section 6. Section 372.901, Florida Statutes, is amended
95 to read:

96 372.901 Inspection. -

97 (1) Reptiles of concern ~~Poisonous or venomous reptiles,~~
98 held in captivity, are ~~shall be~~ subject to inspection by an
99 inspecting officer from the Fish and Wildlife Conservation
100 Commission. The inspecting officer shall determine whether the
101 said reptiles are securely, properly, and safely penned. In the
102 event that the reptiles are not safely penned, the inspecting
103 officer shall report the situation in writing to the person or
104 firm owning the said reptiles. Failure of the owner or exhibitor
105 to correct the situation within 30 days after such written
106 notice shall be grounds for revocation of the license or permit
107 of said owner or exhibitor.

108 (2) The commission shall establish by rule a reporting
109 system for reptiles of concern. Reports required pursuant to
110 said reporting system may include but are not limited to:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

111 capture, purchase, or other acquisition; possession; sale, gift,
112 or other transfer; death, destruction, or other disposition.

113 Section 7. Section 372.91, Florida Statutes, is amended to
114 read:

115 372.91 Who may open cages, pits, or other containers
116 housing reptiles of concern which are venomous ~~poisonous or~~
117 ~~venomous reptiles~~. - No person except the licensee or her or his
118 authorized employee shall open any cage, pit, or other container
119 which contains ~~poisonous or~~ venomous reptiles.

120 Section 8. Section 372.911, Florida Statutes, is
121 renumbered as s. 372.0715.

122 Section 9. Section 372.912, Florida Statutes, is repealed.

123 Section 10. Section 372.92, Florida Statutes, is amended
124 to read:

125 372.92 Rules and regulations; penalties.

126 (1) The Fish and Wildlife Conservation Commission may
127 prescribe such other rules and regulations as it may deem
128 necessary to prevent the escape of reptiles of concern ~~poisonous~~
129 ~~and venomous reptiles~~, either in connection of construction of
130 such cages or otherwise to carry out the intent of ss. 372.86-
131 372.91.

132 (2) A person who knowingly releases any reptile of concern
133 to the wild or who through gross negligence allows a reptile of
134 concern to escape commits a Level Four violation punishable as
135 provided in s. 372.935.

136 Section 11. Section 372.935 is created to read:

137 372.935. Captive wildlife penalties.

138 (1) LEVEL ONE--Unless otherwise provided by law, the
139 following classifications and penalties apply:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

140 (a) A person commits a Level One violation if she or he
141 violates any of the following provisions:

142 1. Rules or orders of the commission requiring free permits
143 or other authorizations to possess captive wildlife.

144 2. Rules or orders of the Commission relating to the filing
145 of reports or other documents required of persons who are
146 licensed to possess captive wildlife.

147 3. Rules or orders of the commission requiring permits to
148 possess captive wildlife that a fee is charged for, when the
149 person being charged was issued the permit and the permit has
150 expired less than 1 year prior to the violation.

151 (b) Any person cited for committing any offense classified
152 as a Level One violation commits a noncriminal infraction,
153 punishable as provided in this section.

154 (c) Any person cited for committing a noncriminal
155 infraction specified in paragraph (a) shall be cited to appear
156 before the county court. The civil penalty for any noncriminal
157 infraction is \$ 50 if the person cited has not previously been
158 found guilty of any level one violation and \$250 if the person
159 cited has previously been found guilty of any level one
160 violation, except as otherwise provided in this subsection; any
161 person cited for failing to have a required permit or license
162 shall pay an additional civil penalty in the amount of the
163 license fee required.

164 (d) Any person cited for an infraction under this
165 subsection may:

166 1. Post a bond, which shall be equal in amount to the
167 applicable civil penalty; or

168 2. Sign and accept a citation indicating a promise to
169 appear before the county court. The officer may indicate on the

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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170 citation the time and location of the scheduled hearing and
171 shall indicate the applicable civil penalty.

172 (e) Any person charged with a noncriminal infraction under
173 this subsection may:

174 1. Pay the civil penalty, either by mail or in person,
175 within 30 days after the date of receiving the citation; or

176 2. If the person has posted bond, forfeit bond by not
177 appearing at the designated time and location.

178 (f) If the person cited follows either of the procedures in
179 sub-paragraphs (e)1. or 2., he or she shall be deemed to have
180 admitted the infraction and to have waived his or her right to a
181 hearing on the issue of commission of the infraction. Such
182 admission shall not be used as evidence in any other proceedings
183 except to determine the appropriate fine for any subsequent
184 violations.

185 (g) Any person who willfully refuses to post a bond or
186 accept and sign a summons is guilty of a misdemeanor of the
187 second degree, punishable as provided in s. 775.082 or s.
188 775.083. Any person who fails to pay the civil penalty specified
189 in this subsection within 30 days after being cited for a
190 noncriminal infraction or to appear before the court pursuant to
191 this subsection is guilty of a misdemeanor of the second degree,
192 punishable as provided in s. 775.082 or s. 775.083.

193 (h) Any person electing to appear before the county court
194 or who is required so to appear shall be deemed to have waived
195 the limitations on the civil penalty specified in paragraph (c).
196 The court, after a hearing, shall make a determination as to
197 whether an infraction has been committed. If the commission of
198 an infraction has been proven, the court may impose a civil

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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199 penalty not less than those amounts in paragraph (c) and not to
200 exceed \$ 500.

201 (i) At a hearing under this chapter, the commission of a
202 charged infraction must be proved beyond a reasonable doubt.

203 (j) If a person is found by the hearing official to have
204 committed an infraction, she or he may appeal that finding to
205 the circuit court.

206 (2) LEVEL TWO. - Unless otherwise provided by law, the
207 following classifications and penalties apply:

208 (a) A person commits a Level Two violation if he or she
209 violates any of the following provisions:

210 1. Unless stated in subsection (1), rules or orders of the
211 Commission that require a person to pay a fee to obtain a permit
212 to possess captive wildlife or that require the maintenance of
213 records relating to captive wildlife.

214 2. Rules or orders of the Commission relating to captive
215 wildlife not specified in subsections (1) or (3).

216 3. Rules or orders of the Commission which require housing
217 of wildlife in a safe manner when a violation results in an
218 escape of wildlife other than Class I wildlife.

219 4. Section 372.86, relating to possessing or exhibiting
220 reptiles.

221 5. Section 372.87, relating to licensing of reptiles.

222 6. Section 372.88, relating to bonding requirements for
223 exhibits.

224 7. Section 372.89, relating to housing requirements.

225 8. Section 372.90, relating to transportation.

226 9. Section 372.901, relating to inspection.

227 10. Section 372.91, relating to limitation of access to
228 reptiles.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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229 11. Section 372.921, relating to exhibition or sale of
230 wildlife.

231 12. Section 372.922, relating to personal possession of
232 wildlife.

233 (b) A person who commits any offense classified as a Level
234 Two violation, who has not been convicted of a violation that is
235 classified as Level Two or above within the past three years, is
236 guilty of a misdemeanor of the second degree, punishable as
237 provided in s. 775.082 or s. 775.083.

238 (c) Unless otherwise stated in this paragraph, a person
239 who commits any offense classified as a Level Two violation
240 within a three year period of any previous conviction of any
241 offense classified as level two violation or higher is guilty of
242 a misdemeanor of the first degree, punishable as provided in s.
243 775.082 or s. 775.083 with a minimum mandatory fine of \$250.

244 (d) Unless otherwise stated in this paragraph, a person who
245 commits any offense classified as a level two violation within a
246 five year period of any two previous convictions of offenses
247 that are classified as level two violations or above is guilty
248 of a misdemeanor of the first degree, punishable as provided in
249 s. 775.082 or s. 775.083 with a minimum mandatory fine of \$500
250 and a suspension of all licenses issued under this chapter
251 related to captive wildlife for not less than 1 year.

252 (e) A person who commits any offense classified as a Level
253 Two violation within a ten year period of any three previous
254 convictions of offenses classified as level two violations or
255 above is guilty of a misdemeanor of the first degree, punishable
256 as provided in s. 775.082 or s. 775.083 with a minimum mandatory
257 fine of \$750 and a suspension of all licenses issued under this
258 chapter related to captive wildlife for not less than 3 years.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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259 (3) LEVEL THREE - Unless otherwise provided by law, the
260 following classifications and penalties apply.

261 (a) A person is guilty of Level Three violation if she or
262 he violates any of the following provisions:

263 1. Rules or orders of the Commission which require housing
264 of wildlife in a safe manner when a violation results in an
265 escape of Class I wildlife.

266 2. Rules or orders of the Commission related to captive
267 wildlife when the violation results in serious bodily injury to
268 another person by captive wildlife which consists of a physical
269 condition that creates a substantial risk of death, serious
270 personal disfigurement, or protracted loss or impairment of the
271 function of any bodily member or organ.

272 3. Rules or orders of the Commission relating to the use of
273 gasoline or to other chemical or gaseous substances on wildlife.

274 4. Rules or orders of the Commission prohibiting the
275 release of wildlife for which only conditional possession is
276 allowed.

277 5. Knowingly entering false information on an application
278 for a license or permit to possess wildlife in captivity.

279 6. Section 372.265, relating to illegal importation or
280 introduction of foreign wildlife.

281 (b) 1. A person who commits any offense classified as a
282 Level Three violation, who has not been convicted of a violation
283 that is classified as Level Three or above within the past ten
284 years, is guilty of a misdemeanor of the first degree,
285 punishable as provided in s. 775.082 or s. 775.083.

286 2. A person who commits any offense classified as a Level
287 Three violation within a ten year period of any previous
288 conviction of any offense classified as level three violation or

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

above is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083 with a minimum mandatory fine of \$750 and a suspension of all licenses issued under this chapter relating to captive wildlife for not less than 3 years.

(4) LEVEL FOUR - Unless otherwise provided by law, the following classifications and penalties apply.

(a) A person is guilty of Level Four violation if she or he violates any of the following provisions:

1. Section 370.081, relating to the possession on nonindigenous marine plants and animals.

2. Section 372.92, relating to release of reptiles of concern.

3. Rules or orders of the Commission relating to the importation, possession, or release of fish and wildlife for which possession is prohibited.

(b) A person who commits any offense classified as a level four violation is guilty of a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083 with a permanent revocation of all licenses or permits to possess captive wildlife issued under this chapter.

(5) Unless otherwise provided in this chapter, a person who violates any provision of this section is guilty, for the first offense, of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and is guilty, for the second offense or any subsequent offense, of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(6) The court may order the suspension or revocation of any license or permit issued to a person pursuant to this chapter,

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

if that person commits a criminal offense specified in this section or a noncriminal infraction specified in this section.

(7) For any purpose of this section, conviction means any judicial disposition other than acquittal or dismissal.

(8) Nothing herein shall limit the commission from suspending or revoking any license to possess wildlife in captivity by administrative action in accordance with Chapter 120, Florida Statutes. For purposes of administrative action, a conviction of a criminal offense shall mean any judicial disposition other than acquittal or dismissal.

Section 12. Beginning in the 2006-2007 fiscal year, the sum of \$300,000 is appropriated from the State Game Trust Fund to the Fish and Wildlife Conservation Commission on a recurring basis to implement the provisions of this act.

Section 13. This act shall take effect on October 1, 2006.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

An act relating to venomous, nonnative, or other reptiles; amending s. 372.86; providing for the regulation of said reptiles; amending s. 372.87; providing for licensure; amending s. 372.88; providing for bonds; amending s. 372.89; requiring proper housing of reptiles of concern; amending s. 372.90; regulating transportation of reptiles of concern that are venomous; amending s. 372.901; providing for inspection and reporting; amending s. 372.91; regulating opening of cages; renumbering s. 372.911; repealing s. 372.912; amending s. 372.92; creating s.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

348 372.935; providing penalties relating to captive
349 wildlife; providing an appropriation; providing an
350 effective date.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **HB 7075**

COUNCIL/COMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED Y (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

Council/Committee hearing bill: Agriculture & Environment
Appropriations

Representative Poppell offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsections (7) and (12) of section 482.021,
Florida Statutes, are amended to read:

482.021 Definitions.--For the purposes of this chapter,
and unless otherwise required by the context, the term:

(7) "Employee" means a person who is employed by a
licensee that provides that person with necessary training,
supervision, pesticides, equipment, and insurance and who
receives compensation from and is under the personal supervision
and direct control of the licensee's certified operator in
charge and licensee from whose ~~which~~ compensation ~~of~~ the
licensee regularly deducts and matches federal insurance
contributions and federal income and Social Security taxes.

(12) "Independent contractor" means an entity separate
from the licensee that:

(a) Receives moneys from a customer which are deposited in
a bank account other than that of the licensee;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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(b) Owns or supplies its own service vehicle, equipment, and pesticides; ~~or~~

(c) Maintains a business operation, office, or support staff independent of the licensee's direct control;

(d) Pays its own operating expenses such as fuel, equipment, pesticides, and materials; or

(e)-(e) Pays its own workers' ~~worker's~~ compensation as an independent contractor.

Section 2. Subsection (5) of section 482.051, Florida Statutes, is amended to read:

482.051 Rules.--The department has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter. Prior to proposing the adoption of a rule, the department shall counsel with members of the pest control industry concerning the proposed rule. The department shall adopt rules for the protection of the health, safety, and welfare of pest control employees and the general public which require:

(5) That any pesticide used as the primary preventive treatment for ~~preconstruction treatments for the prevention of~~ subterranean termites in new construction be applied in the amount, concentration, and treatment area in accordance with the label; that a copy of the label of the registered pesticide being applied be carried in a vehicle at the site where the pesticide is being applied; and that the licensee maintain for 3 years the record of each preconstruction treatment, indicating the date of treatment, the location or address of the property treated, the total square footage of the structure treated, the type of pesticide applied, the concentration of each substance in the mixture applied, and the total amount of pesticide applied.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Section 3. Subsection (2) of section 482.091, Florida Statutes, is amended to read:

482.091 Employee identification cards.--

(2)(a) An identification cardholder must be an employee of the licensee and work under the direction and supervision of the licensee's certified operator in charge and shall ~~may~~ not be an independent contractor. An identification cardholder shall ~~operate may perform~~ only ~~pest control services~~ out of, and ~~or~~ for customers assigned ~~arising~~ from, the licensee's licensed business location. An identification cardholder shall ~~may~~ not perform any pest control independently of and without the knowledge of the licensee and the licensee's certified operator in charge and shall ~~may~~ perform pest control only for the licensee's customers.

Section 4. Subsections (1), (2), and (3) of section 482.156, Florida Statutes, are amended to read:

482.156 Limited certification for commercial landscape maintenance personnel.--

(1) The department shall establish a limited certification category for individual commercial landscape maintenance personnel to authorize them to apply herbicides for controlling weeds in plant beds and to perform integrated pest management on ornamental plants using ~~the following materials:~~ insecticides and fungicides having the signal word "caution" but not having the word "warning" or "danger" on the label, ~~insecticidal soaps, horticultural oils, and bacillus thuringiensis formulations.~~ The application equipment that may be used by a person certified pursuant to this section is limited to portable, handheld 3-gallon compressed air sprayers or backpack sprayers having no more than a 5-gallon capacity and does not include power equipment.

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85 (2) (a) A person seeking limited certification under this
86 section must pass an examination given by the department. Each
87 application for examination must be accompanied by an
88 examination fee set by rule of the department, in an amount of
89 not more than \$150 or less than \$50; ~~however, until a rule~~
90 ~~setting this fee is adopted by the department, the examination~~
91 ~~fee is \$50. Prior to the department's issuing a limited~~
92 certification under this section, each person applying making
93 ~~application for the certification under this section~~ must
94 furnish proof of having a certificate of insurance which states
95 that the employer meets the requirements for minimum financial
96 responsibility for bodily injury and property damage required by
97 s. 482.071(4).

98 **(b)** To be eligible to take the examination, an applicant
99 must have completed 68 classroom hours of plant bed and
100 ornamental continuing education training approved by the
101 department and provide sufficient proof, according to criteria
102 established by department rule, ~~that the applicant has been in~~
103 ~~the landscape maintenance business for at least 3 years.~~

104 ~~(b)~~ The department shall provide the appropriate reference
105 materials for the examination and make the examination readily
106 accessible and available to applicants at least quarterly or as
107 necessary in each county.

108 (3) An application for recertification under this section
109 must be made annually and be accompanied by a recertification
110 fee set by rule of the department, in an amount of not more than
111 \$75 or less than \$25; ~~however, until a rule setting this fee is~~
112 ~~adopted by the department, the fee for recertification is \$25.~~
113 The application must also be accompanied by proof of having
114 completed 4 classroom hours of acceptable continuing education
115 and the same proof of having a certificate of insurance as is

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required for issuance of this ~~initial~~ certification. After a grace period not exceeding 30 calendar days following the annual date that recertification is due, a late renewal charge of \$50 shall be assessed and must be paid in addition to the renewal fee. Unless timely recertified, a certificate automatically expires 180 calendar days after the anniversary recertification date. Subsequent to such expiration, a certificate may be issued only upon successful reexamination and upon payment of the examination fees due.

Section 5. Subsection (7) of section 482.211, Florida Statutes, is amended to read:

482.211 Exemptions.--This chapter does not apply to:

(7) Area Mosquito control activities conducted by a local government or district established under chapter 388 or by special act or by a contractor of the local government or district.

Section 6. Section 500.033, Florida Statutes, is amended to read:

500.033 Florida Food Safety and Food Defense Security Advisory Council.--

(1) There is created the Florida Food Safety and Food Defense Security Advisory Council for the purpose of serving as a forum for presenting, investigating, and evaluating issues of current importance to the assurance of a safe and secure food supply to the citizens of Florida. The Florida Food Safety and Food Defense Security Advisory Council shall consist of, but not be limited to: the Commissioner of Agriculture or his or her designee; the Secretary of Health or his or her designee; the Secretary of Business and Professional Regulation or his or her designee; the person responsible for domestic security with the ~~Florida~~ Department of Law Enforcement; members representing the

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147 production, processing, distribution, and sale of foods;
148 consumers or ~~and/or~~ members of citizens groups; representatives
149 of ~~or~~ food industry groups; scientists or other experts in
150 aspects of food safety from state universities; representatives
151 from local, state, and federal agencies that are charged with
152 responsibilities for food safety or food defense ~~security~~; the
153 chairs of the Agriculture Committees of the Senate and the House
154 of Representatives or their designees; and the chairs of the
155 committees of the Senate and the House of Representatives with
156 jurisdictional oversight of home defense issues or their
157 designees. The Commissioner of Agriculture shall appoint the
158 remaining members. The council shall make periodic reports to
159 the Department of Agriculture and Consumer Services concerning
160 findings and recommendations in the area of food safety and food
161 defense ~~security~~.

162 (2) The council shall consider the development of
163 appropriate advice or recommendations on food safety or food
164 defense ~~security~~ issues. In the discharge of their duties, the
165 council members may receive for review confidential data exempt
166 from the provisions of s. 119.07(1); however, it is unlawful for
167 any member of the council to use the data for his or her
168 advantage or reveal the data to the general public.

169 Section 7. Subparagraph 4 of paragraph (a) of subsection
170 (1) of section 500.12, Florida Statutes, is created to read:

171 500.12 Food permits; building permits.--

172 (1)(a) A food permit from the department is required of
173 any person who operates a food establishment or retail food
174 store, except:

175 1. Persons operating minor food outlets, including, but
176 not limited to, video stores, that sell commercially
177 prepackaged, nonpotentially hazardous candy, chewing gum, soda,

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178 or popcorn, provided the shelf space for those items does not
179 exceed 12 linear feet and no other food is sold by the minor
180 food outlet.

181 2. Persons subject to continuous, onsite federal or state
182 inspection.

183 3. Persons selling only legumes in the shell, either
184 parched, roasted, or boiled.

185 4. Persons producing and selling in the state one hundred
186 percent Florida sugar cane syrup directly to the consumer or at
187 roadside stands, farmers markets, and similar locations,
188 provided each container or bottle of syrup has a label stating
189 the producer's name and address, product type, net weight or
190 volume of product, and the following statement, "This product
191 has not been produced in a facility inspected and permitted by
192 the Florida Department of Agriculture and Consumer Services".

193 Section 8. Paragraphs (b) and (c) of subsection (1) of
194 section 582.06, Florida Statutes, are amended to read:

195 582.06 Soil and Water Conservation Council; powers and
196 duties.--

197 (1) COMPOSITION.--The Soil and Water Conservation Council
198 is created in the Department of Agriculture and Consumer
199 Services and shall be composed of 23 members as follows:

200 (b) Twelve ~~nonvoting ex-officio~~ members shall include one
201 representative each from the Department of Environmental
202 Protection, the five water management districts, the Institute
203 of Food and Agricultural Sciences at the University of Florida,
204 the United States Department of Agriculture Natural Resources
205 Conservation Service, the Florida Association of Counties, and
206 the Florida League of Cities, and two representatives of
207 environmental interests.

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(c) All members shall be appointed by the commissioner. ~~Ex~~
~~officio~~ Members appointed pursuant to paragraph (b) shall be
appointed by the commissioner from recommendations provided by
the organization or interest represented.

Section 9. Paragraph (h) is added to subsection (2) of
section 810.09, Florida Statutes, to read:

810.09 Trespass on property other than structure or
conveyance.--

(2)

(h) The offender commits a felony of the third degree,
punishable as provided in ss. 775.082, 775.083 or 775.084, if
the property trespassed upon is an agricultural chemicals
manufacturing facility that is legally posted and identified in
substantially the following manner: "THIS AREA IS A DESIGNATED
AGRICULTURAL CHEMICALS MANUFACTURING FACILITY, AND ANYONE WHO
TRESPASSES ON THIS PROPERTY COMMITS A FELONY."

Section 10. Subsection (12) is added to section 810.011,
Florida Statutes, to read:

810.011 Definitions.--As used in this chapter:

(12) "Agricultural chemicals manufacturing facility" means
any facility, associated properties, and associated structures
that are used for the manufacture, processing, or storage of
agricultural chemicals in Industry Group 287 as defined in the
Standard Industrial Classification Manual.

Section 11. Subsection (3) of section 828.30, Florida
Statutes, is amended to read:

828.30 Rabies vaccination of dogs, cats, and ferrets.--

(3) Upon vaccination against rabies, the licensed
veterinarian shall provide the animal's owner and the animal
control authority with a rabies vaccination certificate. Each
animal control authority and veterinarian shall use the ~~Form 51,~~

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"Rabies Vaccination Certificate⁷" of the National Association of State Public Health Veterinarians (NASPHV) or an equivalent form approved by the local government that contains all the information required by the NASPHV Rabies Vaccination Certificate Form 51. The veterinarian who administers the rabies vaccine to an animal as required under this section may affix his or her signature stamp in lieu of an actual signature.

Section 12. Paragraph (c) of subsection (7) and subsection (11) of section 403.067, Florida Statutes, are amended to read:

403.067 Establishment and implementation of total maximum daily loads.--

(7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.--

(c) Best management practices.--

1. The department, in cooperation with the water management districts and other interested parties, as appropriate, may develop suitable interim measures, best management practices, or other measures necessary to achieve the level of pollution reduction established by the department for nonagricultural nonpoint pollutant sources in allocations developed pursuant to subsection (6) and this subsection. These practices and measures may be adopted by rule by the department and the water management districts pursuant to ss. 120.536(1) and 120.54, and, where adopted by rule, shall be implemented by those parties responsible for nonagricultural nonpoint source pollution.

2. The Department of Agriculture and Consumer Services may develop and adopt by rule pursuant to ss. 120.536(1) and 120.54 suitable interim measures, best management practices, or other measures necessary to achieve the level of pollution reduction established by the department for agricultural pollutant sources

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270 in allocations developed pursuant to subsection (6) and this
271 subsection or for programs implemented pursuant to paragraph
272 (11) (b). These practices and measures may be implemented by
273 those parties responsible for agricultural pollutant sources and
274 the department, the water management districts, and the
275 Department of Agriculture and Consumer Services shall assist
276 with implementation. In the process of developing and adopting
277 rules for interim measures, best management practices, or other
278 measures, the Department of Agriculture and Consumer Services
279 shall consult with the department, the Department of Health, the
280 water management districts, representatives from affected
281 farming groups, and environmental group representatives. Such
282 rules shall also incorporate provisions for a notice of intent
283 to implement the practices and a system to assure the
284 implementation of the practices, including recordkeeping
285 requirements.

286 3. Where interim measures, best management practices, or
287 other measures are adopted by rule, the effectiveness of such
288 practices in achieving the levels of pollution reduction
289 established in allocations developed by the department pursuant
290 to subsection (6) and this subsection or in programs implemented
291 pursuant to paragraph (11)(b) shall be verified at
292 representative sites by the department. The department shall use
293 best professional judgment in making the initial verification
294 that the best management practices are reasonably expected to be
295 effective and, where applicable, shall notify the appropriate
296 water management district or ~~and~~ the Department of Agriculture
297 and Consumer Services of its initial verification prior to the
298 adoption of a rule proposed pursuant to this paragraph.
299 Implementation, in accordance with rules adopted under this
300 paragraph, of practices that have been initially verified to be

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effective, or verified to be effective by monitoring at representative sites, by the department, shall provide a presumption of compliance with state water quality standards and release from the provisions of s. 376.307(5) for those pollutants addressed by the practices, and the department is not authorized to institute proceedings against the owner of the source of pollution to recover costs or damages associated with the contamination of surface water or groundwater caused by those pollutants. Research funded by the department, a water management district, or the Department of Agriculture and Consumer Services to develop or demonstrate interim measures or best-management practices is granted a presumption of compliance with state water quality standards and release from s. 376.307(5) which is limited to the research site for those pollutants addressed by the practices.

4. Where water quality problems are demonstrated, despite the appropriate implementation, operation, and maintenance of best management practices and other measures according to rules adopted under this paragraph, the department, a water management district, or the Department of Agriculture and Consumer Services, in consultation with the department, shall institute a reevaluation of the best management practice or other measure. Should the reevaluation determine that the best management practice or other measure requires modification, the department, a water management district, or the Department of Agriculture and Consumer Services, as appropriate, shall revise the rule to require implementation of the modified practice within a reasonable time period as specified in the rule.

5. Individual agricultural records relating to processes or methods of production, or relating to costs of production, profits, or other financial information which are otherwise not

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public records, which are reported to the Department of Agriculture and Consumer Services pursuant to subparagraphs 3. and 4. or pursuant to any rule adopted pursuant to subparagraph 2. shall be confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Upon request of the department or any water management district, the Department of Agriculture and Consumer Services shall make such individual agricultural records available to that agency, provided that the confidentiality specified by this subparagraph for such records is maintained. This subparagraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

6. The provisions of subparagraphs 1. and 2. shall not preclude the department or water management district from requiring compliance with water quality standards or with current best management practice requirements set forth in any applicable regulatory program authorized by law for the purpose of protecting water quality. Additionally, subparagraphs 1. and 2. are applicable only to the extent that they do not conflict with any rules adopted by the department that are necessary to maintain a federally delegated or approved program.

(11) IMPLEMENTATION OF ADDITIONAL PROGRAMS.--

(a) The department shall not implement, without prior legislative approval, any additional regulatory authority pursuant to s. 303(d) of the Clean Water Act or 40 C.F.R. part 130, if such implementation would result in water quality discharge regulation of activities not currently subject to regulation.

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(b) Interim measures, best management practices, or other measures may be developed and voluntarily implemented pursuant to paragraph subparagraphs (7)(c)1. ~~and 2.~~ for any water body or segment for which a total maximum daily load or allocation has not been established. The implementation of such pollution control programs may be considered by the department in the determination made pursuant to subsection (4).

Section 13. Subsection (11) of section 482.211, Florida Statutes, is repealed.

Section 14. Austin Dewey Gay Agricultural Inspection Station designated; department to erect suitable markers.--

(1) The agricultural inspection station located at or near mile marker 1 on Interstate Highway 10 in Escambia County is designated as "Austin Dewey Gay Memorial Agricultural Inspection Station."

(2) The Department of Agriculture and Consumer Services is directed to erect suitable markers designating the Austin Dewey Gay Memorial Agricultural Inspection Station as described in subsection (1).

Section 15. This act shall take effect July 1, 2006.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

An act relating to the Department of Agriculture and Consumer Services; amending s. 482.021, F.S.; revising the definitions of the terms "employee" and "independent contractor" for purposes of pest control regulation; amending s. 482.051, F.S.; revising certain requirements of the department to adopt rules relating to the use of pesticides for preventing subterranean termites in new

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393 construction; amending s. 482.091, F.S.; clarifying
394 provisions governing the performance of pest control
395 services; amending s. 482.156, F.S.; requiring
396 certification of individual commercial landscape
397 maintenance personnel; revising the types of materials
398 such personnel may use; removing obsolete provisions
399 relating to fees; clarifying requirements relating to
400 proof of education and insurance; amending s. 482.211,
401 F.S.; clarifying exemption of certain mosquito control
402 activities from regulation; amending s. 500.033, F.S.;
403 renaming the Florida Food Safety and Food Security
404 Advisory Council as the Florida Food Safety and Food
405 Defense Advisory Council and revising duties accordingly;
406 amending s. 500.12, F.S.; providing an exemption from food
407 inspections by the department; amending s. 582.06, F.S.;
408 revising the membership of the Soil and Water Conservation
409 Council; amending s. 810.09, F.S.; providing a felony
410 charge for trespassing on an agricultural chemicals
411 manufacturing facility; amending s. 810.011, F.S.;
412 providing a definition; amending s. 828.30, F.S.; updating
413 references to the Rabies Vaccination Certificate; amending
414 s. 403.067, F.S.; clarifying rules adopted by the
415 department relating to best-management practices;
416 clarifying the authority for certain measures to be
417 implemented by the Department of Environmental Protection
418 for certain water bodies; repealing s. 482.211(11), F.S.,
419 relating to an exemption from ch. 482, F.S., provided for
420 a yard worker when applying a pesticide to the lawn or
421 ornamental plants of an individual residential property
422 owner under certain circumstances; designating the "Austin

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423 Dewey Gay Agricultural Inspection Station" in Escambia
424 County; providing an effective date.
425

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Amendment No. (for drafter's use only)

Bill No. 7075

COUNCIL/COMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

Council/Committee hearing bill: House Fiscal Council
Representative(s) Mayfield offered the following:

Amendment to amendment(with title amendments)

Between lines 168 and 169 insert new section:

Section 7.Section 570.954, Florida Statutes is created to
read:

570.594 Farm to fuel initiative. -

(1) The department may develop a farm to fuel initiative in
order to enhance the market for and promote the production and
distribution of renewable energy from Florida-grown crops,
agricultural wastes and residues, and other biomass, enhance the
value of agricultural products or expand agribusiness in the
state.

(2) The department may conduct a statewide comprehensive
information and education program aimed at educating the general
public about the benefits of renewable energy and the use of
alternative fuels.

(3) The department shall coordinate with and solicit the
expertise of the state energy office within the Department of

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21 Environmental Protection when developing and implementing this
22 initiative.

23

24

25 ===== T I T L E A M E N D M E N T =====

26 Insert line(s) and insert:

27 creating the farm to fuel imitative;

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 1347

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

Council/Committee hearing bill: Agriculture and Environment
Appropriations Committee
Representative(s) Mayfield offered the following:

Amendment (with title amendments)

Remove line(s) 655-658 and insert:

Section 2. There is hereby appropriated \$310 million from
the Land Acquisition Trust Fund to the Department of
Environmental Protection for the purchase of the Babcock
Crescent B Ranch.

Section 3. This act shall take effect upon becoming law.

===== T I T L E A M E N D M E N T =====

Remove line(s) 59-60 and insert:

upon the dissolution of the corporation; providing an
appropriation; providing an effective date.

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Amendment No. (for drafter's use only)

Bill No. 1347

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED Y (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Agriculture & Environment

2 Appropriations Committee

3 Representative(s) Williams offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 259.106, Florida Statutes, is created
8 to read:

9 259.106 Babcock Ranch Preserve; Babcock Ranch, Inc.;
10 creation; membership; organization; meetings.--

11 (1) SHORT TITLE.--This section may be cited as the
12 "Babcock Ranch Preserve Act."

13 (2) DEFINITIONS.--As used in this section, the term:

14 (a) "Babcock Ranch Preserve" and "preserve" mean the lands
15 and facilities acquired in the purchase of the Babcock Crescent
16 B Ranch.

17 (b) "Babcock Ranch, Inc." and "corporation" mean the not-
18 for-profit corporation created under this section to operate and
19 manage the Babcock Ranch Preserve as a working ranch.

20 (c) "Board of directors" means the governing board of the
21 not-for-profit corporation created under this section.

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(d) "Commission" means the Fish and Wildlife Conservation Commission.

(e) "Commissioner" means the Commissioner of Agriculture.

(f) "Department" means the Department of Agriculture and Consumer Services.

(g) "Financially self-sustaining" means management and operating expenditures not more than the revenues collected from fees and other receipts for resource use and development and from interest and invested funds.

(h) "Management and operating expenditures" means expenses of the corporation, including, but not limited to, salaries and benefits of officers and staff, administrative and operating expenses, costs for improvements to and maintenance of lands and facilities of the Babcock Ranch Preserve, and other similar expenses. Such expenditures shall be made from revenues generated from the operation of the ranch and not from funds appropriated by the Legislature except as provided in this section.

(i) "Member" means a person appointed to the board of directors of the not-for-profit corporation created under this section.

(j) "Multiple use" means the management of all of the renewable surface resources of the Babcock Ranch Preserve to best meet the needs of the public, including the use of the land for some or all of the renewable surface resources or related services over areas large enough to allow for periodic adjustments in use to conform to the changing needs and conditions of the preserve while recognizing that a portion of the land will be used for some of the renewable surface resources available on that land. The goal of multiple use is

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52 the harmonious and coordinated management of the renewable
53 surface resources without impairing the productivity of the land
54 and considering the relative value of the renewable surface
55 resources, and not necessarily a combination of uses to provide
56 the greatest monetary return or the greatest unit output.

57 (k) "Sustained yield of the renewable surface resources"
58 means the achievement and maintenance of a high level of annual
59 or regular periodic output of the various renewable surface
60 resources of the preserve without impairing the productivity of
61 the land.

62 (l) "Working ranch" means those activities necessary to
63 accomplish the goals of multiple use and sustained yield of the
64 renewable surface resources and includes, but is not limited to,
65 silvicultural operations, regardless of location or species,
66 pasture management, livestock management, native plant nursery
67 operations, apiary operations, sod farming, eco-tourism, tenant
68 farming, hunting leases, and horticultural debris disposal.

69 (3) CREATION OF BABCOCK RANCH PRESERVE.--

70 (a) The acquisition of the Babcock Crescent B Ranch by the
71 Board of Trustees of the Internal Improvement Trust Fund is a
72 conservation acquisition with a goal of sustaining the
73 ecological and economic integrity of the property being acquired
74 while allowing the business of the working ranch to operate and
75 prosper.

76 (b) Upon the date of acquisition of the Babcock Crescent B
77 Ranch, there is created the Babcock Ranch Preserve, which shall
78 be managed in accordance with the purposes and requirements of
79 this section.

80 (c) The preserve is established to protect and preserve
81 the environmental, agricultural, scientific, scenic, geologic,

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82 watershed, fish, wildlife, historic, cultural, and recreational
83 values of the preserve, and to provide for the multiple use and
84 sustained yield of the renewable surface resources within the
85 preserve consistent with this section. There shall be no
86 restriction, including reference to location or species, on any
87 silvicultural operation so long as best management practices
88 adopted by the department, as updated, are followed. Pasture
89 management, hunting leases, and tenant farming shall be allowed
90 at the discretion of Babcock Ranch, Inc.

91 (d) Babcock Ranch, Inc., and its officers and employees
92 shall participate in the management of the Babcock Ranch
93 Preserve in an advisory capacity only until the management
94 agreement referenced in paragraph (11)(a) is terminated or
95 expires.

96 (e) Nothing in this section shall preclude Babcock Ranch,
97 Inc., prior to assuming management and operation of the preserve
98 and thereafter, from allowing the use of common varieties of
99 mineral materials such as sand, stone, and gravel for
100 construction and maintenance of roads and facilities within the
101 preserve.

102 (f) Nothing in this section shall be construed as
103 affecting the constitutional responsibilities of the commission
104 in the exercise of its regulatory and executive power with
105 respect to wild animal life and freshwater aquatic life,
106 including the regulation of hunting, fishing, and trapping
107 within the preserve.

108 (g) Nothing in this section shall be construed to
109 interfere with or prevent the ability of Babcock Ranch, Inc., to
110 implement agricultural practices authorized by the agricultural
111 land use designations established in the local comprehensive

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112 plans of either Charlotte County or Lee County as those plans
113 apply to the Babcock Ranch Preserve, so long as such plans are
114 not in conflict with this section or general law.

115 ... (h) - Nothing in this section shall preclude the maintenance
116 and use of roads and trails or the relocation of roads in
117 existence on the effective date of this section, or the
118 construction, maintenance, and use of new trails, or any
119 motorized access necessary for the administration of the land
120 contained within the preserve, including motorized access
121 necessary for emergencies involving the health or safety of
122 persons within the preserve.

123 (4) CREATION OF BABCOCK RANCH, INCORPORATED.--

124 (a) There is created a not-for-profit corporation, to be
125 known as Babcock Ranch, Inc., which shall be registered,
126 incorporated, organized, and operated in compliance with the
127 provisions of chapter 617 and which shall not be a unit or
128 entity of state government. For purposes of sovereign immunity,
129 the corporation shall be a corporation primarily acting as an
130 instrumentality of the state but otherwise shall not be an
131 agency within the meaning of s. 20.03(11) or a unit or entity of
132 state government.

133 (b) The corporation is organized on a nonstock basis and
134 shall operate in a manner consistent with its public purpose and
135 in the best interest of the state.

136 (c) Meetings and records of the corporation, its
137 directors, advisory committees, or similar groups created by the
138 corporation, including any not-for-profit subsidiaries, are
139 subject to the public records provisions of chapter 119 and the
140 public meetings and records provisions of s. 286.011.

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141 (5) APPLICABILITY OF SECTION.--In any conflict between a
142 provision of this section and a provision of chapter 617, the
143 provision of this section shall prevail.

144 (6) PURPOSE.--The purpose of Babcock Ranch, Inc., is to
145 provide management and administrative services for the preserve,
146 to establish and implement management policies that will achieve
147 the purposes and requirements of this section, to cooperate with
148 state agencies to further the purposes of the preserve, and to
149 establish the administrative and accounting procedures for the
150 operation of the corporation.

151 (7) BOARD; MEMBERSHIP; REMOVAL; LIABILITY.--The
152 corporation shall be governed by a nine-member board of
153 directors who shall be appointed by the Board of Trustees of the
154 Internal Improvement Trust Fund; the commission; the
155 commissioner; the Babcock Ranch Management, LLC, a corporation
156 registered to do business in the state, or its successors or
157 assigns; the Board of County Commissioners of Charlotte County;
158 and the Board of County Commissioners of Lee County in the
159 following manner:

160 (a)1. The Board of Trustees of the Internal Improvement
161 Trust Fund shall appoint four members. One appointee shall have
162 expertise in domesticated livestock management, production, and
163 marketing, including range management and livestock business
164 management. One appointee shall have expertise in the management
165 of game and nongame wildlife and fish populations, including
166 hunting, fishing, and other recreational activities. One
167 appointee shall have expertise in the sustainable management of
168 forest lands for commodity purposes. One appointee shall have
169 expertise in financial management, budget and program analysis,
170 and small business operations.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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171 2. The commission shall appoint one member with expertise
172 in hunting; fishing; nongame species management; or wildlife
173 habitat management, restoration, and conservation.

174 3. The commissioner shall appoint one member with
175 expertise in agricultural operations or forestry management.

176 4. The Babcock Ranch Management, LLC, its successors or
177 assigns, shall appoint one member with expertise in the
178 activities and management of the Babcock Ranch on the date of
179 acquisition of the ranch by the state. This appointee shall
180 serve on the board of directors only until the termination of or
181 expiration of the management agreement. Upon termination of or
182 expiration of the management agreement, the person serving as
183 the head of the property owners' association, if any, required
184 to be created under the agreement for sale and purchase shall
185 serve as a member of the Board of Directors of Babcock Ranch,
186 Inc.

187 5. The Charlotte County Board of County Commissioners
188 shall appoint one member who shall be a resident of the county
189 and who shall be active in an organization concerned with the
190 activities of the ranch.

191 6. The Lee County Board of County Commissioners shall
192 appoint one member who shall be a resident of the county and who
193 shall have experience in land conservation and management. This
194 appointee, or a successor appointee, shall serve as a member of
195 the board of directors so long as the county participates in the
196 state land management plan.

197 (b) All members of the board of directors shall be
198 appointed no later than 90 days following the initial
199 acquisition of the Babcock Ranch by the state.

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200 1. Four members initially appointed by the Board of
201 Trustees of the Internal Improvement Trust Fund shall each serve
202 a 4-year term.

203 2. The remaining initial five appointees shall each serve
204 a 2-year term.

205 3. Each member appointed thereafter shall serve a 4-year
206 term.

207 4. A vacancy shall be filled in the same manner in which
208 the original appointment was made, and a member appointed to
209 fill a vacancy shall serve for the remainder of that term.

210 5. No member may serve more than 8 years in consecutive
211 terms.

212 (c) No appointee shall be an employee of any governmental
213 entity.

214 (d) With the exception of the Babcock Ranch Management,
215 LLC, appointee, no member may be an officer, director, or
216 shareholder in any entity that contracts with or receives funds
217 from the corporation or its subsidiaries.

218 (e) No member shall vote in an official capacity upon any
219 measure that would inure to his or her special private gain or
220 loss, that he or she knows would inure to the special private
221 gain or loss of any principal by whom he or she is retained or
222 to the parent organization or subsidiary of a principal by which
223 he or she is retained, or that he or she knows would inure to
224 the special private gain or loss of a relative or business
225 associate of the member. Such member shall, prior to the vote
226 being taken, publicly state the nature of his or her interest in
227 the matter from which he or she is abstaining from voting and,
228 no later than 15 days following the date the vote occurs, shall
229 disclose the nature of his or her interest as a public record in

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230 | a memorandum filed with the person responsible for recording the
231 | minutes of the meeting, who shall incorporate the memorandum in
232 | the minutes of the meeting.

233 | (f) Each member of the board of directors is accountable
234 | for the proper performance of the duties of office, and each
235 | member owes a fiduciary duty to the people of the state to
236 | ensure that funds provided in furtherance of this section are
237 | disbursed and used as prescribed by law and contract. Any
238 | official appointing a member may remove that member for
239 | malfeasance, misfeasance, neglect of duty, incompetence,
240 | permanent inability to perform official duties, unexcused
241 | absence from three consecutive meetings of the board, arrest or
242 | indictment for a crime that is a felony or misdemeanor involving
243 | theft or a crime of dishonesty, or pleading nolo contendere to,
244 | or being found guilty of, any crime.

245 | (g) Each member of the board of directors shall serve
246 | without compensation but shall receive travel and per diem
247 | expenses as provided in s. 112.061 while in the performance of
248 | his or her duties. These expenses shall be paid from the
249 | operating funds of the ranch.

250 | (8) ORGANIZATION; MEETINGS.--

251 | (a)1. The board of directors shall annually elect a
252 | chairperson and a vice chairperson from among the board's
253 | members. The members may, by a vote of at least five of the nine
254 | board members, remove a member from the position of chairperson
255 | or vice chairperson prior to the expiration of his or her term
256 | as chairperson or vice chairperson. His or her successor shall
257 | be elected to serve for the balance of the removed chairperson's
258 | or vice chairperson's term.

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259 2. The chairperson shall ensure that records are kept of
260 the proceedings of the board of directors and is the custodian
261 of all books, documents, and papers filed with the board, the
262 minutes of meetings of the board, and the official seal of the
263 corporation.

264 (b)1. The board of directors shall meet upon the call of
265 the chairperson at least three times per year in Charlotte
266 County or in Lee County.

267 2. A majority of the members of the board of directors
268 constitutes a quorum. Except as otherwise provided in this
269 section, the board of directors may take official action by a
270 majority of the members present at any meeting at which a quorum
271 is present. Members may not vote by proxy.

272 (9) POWERS AND DUTIES.--

273 (a) The board of directors shall adopt articles of
274 incorporation and bylaws necessary to govern its activities. The
275 adopted articles of incorporation and bylaws must be approved by
276 the Board of Trustees of the Internal Improvement Trust Fund
277 prior to filing with the Department of State.

278 (b) The board of directors shall review and approve any
279 management plan prior to the submission of that plan to the
280 Board of Trustees of the Internal Improvement Trust Fund for
281 approval and implementation.

282 (c)1. Except for the constitutional powers of the
283 commission as provided in s. 9, Art. IV of the State
284 Constitution, the board of directors shall have all necessary
285 and proper powers for the exercise of the authority vested in
286 the corporation, including, but not limited to, the power to
287 solicit and accept donations of funds, property, supplies, or
288 services from individuals, foundations, corporations, and other

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289 public or private entities for the purposes of this section. All
290 funds received by the corporation shall be deposited into the
291 operating fund authorized under this section unless otherwise
292 directed by the Legislature.

293 2. The board of directors may not increase the number of
294 its members.

295 3. The corporation may not purchase, take, receive, lease,
296 take by gift, devise, or bequest, or otherwise acquire, own,
297 hold, improve, use, or otherwise deal in and with real property,
298 or any interest therein, wherever situated, unless otherwise
299 provided in this section.

300 4. The corporation may not sell, convey, mortgage, pledge,
301 lease, exchange, transfer, or otherwise dispose of any real
302 property, unless otherwise provided in this section.

303 5. The corporation may not purchase, take, receive,
304 subscribe for, or otherwise acquire, own, hold, vote, use,
305 employ, sell, mortgage, lend, pledge, or otherwise dispose of,
306 or otherwise use and deal in and with, shares and other
307 interests in, or obligations of, other domestic or foreign
308 corporations, whether for profit or not for profit,
309 associations, partnerships, or individuals, or direct or
310 indirect obligations of the United States or of any other
311 government, state, territory, government district, municipality,
312 or any instrumentality thereof.

313 6. The corporation may not lend money for its corporate
314 purposes, invest and reinvest its funds, and take and hold real
315 and personal property as security for the payment of funds lent
316 or invested.

317 7. The corporation may not merge with other corporations
318 or other business entities.

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319 8. The corporation may not enter into any contract, lease,
320 or other agreement related to the use of ground or surface
321 waters located in, on, or through the preserve without the
322 consent of the Board of Trustees of the Internal Improvement
323 Trust Fund and permits that may be required by the Department of
324 Environmental Protection or the appropriate water management
325 district under chapters 373 and 403.

326 9. The corporation may not grant any easements in, on, or
327 across the preserve. Any easements to be granted for the use of,
328 access to, or ingress and egress across state property within
329 the preserve must be executed by the Board of Trustees of the
330 Internal Improvement Trust Fund as the owners of the state
331 property within the preserve. Any easements to be granted for
332 the use of, access to, or ingress and egress across property
333 within the preserve titled in the name of a local government
334 must be granted by the governing body of that local government.

335 10. The corporation may not enter into any contract,
336 lease, or other agreement related to the use and occupancy of
337 the property within the preserve for a period of greater than 10
338 years.

339 (d) The corporation, in consultation with the commission
340 and the department, may designate hunting, fishing, and trapping
341 zones and may establish additional periods when no hunting,
342 fishing, or trapping shall be permitted for reasons of public
343 safety, administration, and the protection and enhancement of
344 nongame habitat and nongame species, as defined under s.
345 372.001.

346 (e) The corporation shall have the sole and exclusive
347 right to use the words "Babcock Ranch, Inc." and any seal,
348 emblem, or other insignia adopted by the members. Without the

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349 express written authority of the corporation, no person may use
350 the words "Babcock Ranch, Inc." as the name under which that
351 person conducts or purports to conduct business, for the purpose
352 of trade or advertisement, or in any manner that may suggest any
353 connection with the corporation.

354 (f) The corporation may from time to time appoint advisory
355 committees to further any part of this section. The advisory
356 committees shall be reflective of the expertise necessary for
357 the particular function for which the committee is created and
358 may include public agencies, private entities, and not-for-
359 profit conservation and agricultural representatives.

360 (g) State laws governing the procurement of commodities
361 and services by state agencies, as provided in s. 287.057, shall
362 apply to the corporation.

363 (h) The corporation and its subsidiaries must provide
364 equal employment opportunities for all persons regardless of
365 race, color, religion, gender, national origin, age, handicap,
366 or marital status.

367 (10) OPERATING FUND; AUDIT; REPORTING REQUIREMENTS; ANNUAL
368 BUDGET.--

369 (a) The board of directors may establish and manage an
370 operating fund to address the corporation's unique cash-flow
371 needs and to facilitate the management and operation of the
372 preserve as a working ranch. A cash balance reserve of not more
373 than 25 percent of the annual management and operating
374 expenditures of the corporation may accumulate and be maintained
375 in the operating fund at any time.

376 (b) The board of directors shall provide for an annual
377 financial audit of the corporate accounts and records to be
378 conducted by an independent certified public accountant in

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379 accordance with rules adopted by the Auditor General under s.
380 11.45(8). The audit report shall be submitted no later than 3
381 months following the end of the fiscal year to the Auditor
382 General, the President of the Senate, the Speaker of the House
383 of Representatives, and the appropriate substantive and fiscal
384 committees of the Legislature. The Auditor General, the Office
385 of Program Policy Analysis and Government Accountability, and
386 the substantive or fiscal committees of the Legislature to which
387 legislation affecting the Babcock Ranch Preserve may be referred
388 shall have the authority to require and receive from the
389 corporation or from the independent auditor any records relative
390 to the operation of the corporation.

391 (c) Not later than January 15 of each year, Babcock Ranch,
392 Inc., shall submit to the Board of Trustees of the Internal
393 Improvement Trust Fund, the President of the Senate, the Speaker
394 of the House of Representatives, the department, and the
395 commission a comprehensive and detailed report of its
396 operations, activities, and accomplishments for the prior year,
397 including information on the status of the ecological, cultural,
398 and financial resources being managed by the corporation and the
399 benefits provided by the preserve to local communities. The
400 report shall also include a section describing the corporation's
401 goals for the current year.

402 (d) The board of directors shall prepare an annual budget
403 with the goal of achieving a financially self-sustaining
404 operation within 15 full fiscal years after the initial
405 acquisition of the Babcock Ranch by the state. The department
406 shall provide necessary assistance, including details as
407 necessary, to the corporation for the timely formulation and
408 submission of an annual legislative budget request for

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409 appropriations, if any, to support the administration,
410 operation, and maintenance of the preserve. A request for
411 appropriations, if necessary, shall be submitted to the
412 department and shall be included in the department's annual
413 legislative budget request as a separate line item
414 appropriation. Requests for appropriations shall be submitted to
415 the department in time to allow the department to meet the
416 requirements of s. 216.023. The department may not deny a
417 request or refuse to include in its annual legislative budget
418 submission a request from the corporation for an appropriation.

419 (e) Notwithstanding any other provision of law, all moneys
420 received from donations or from management of the preserve shall
421 be retained by the corporation in the operating fund and shall
422 be available, without further appropriation, for the
423 administration, preservation, restoration, operation and
424 maintenance, improvements, repairs, and related expenses
425 incurred with respect to properties being managed by the
426 corporation. Except as provided in this section, moneys received
427 by the corporation for the management of the preserve shall not
428 be subject to distribution by the state. Upon assuming
429 management responsibilities for the preserve, the corporation
430 shall optimize the generation of income based on existing
431 marketing conditions to the extent that activities do not
432 unreasonably diminish the long-term environmental, agricultural,
433 scenic, and natural values of the preserve or the multiple-use
434 and sustained-yield capability of the land.

435 (f) All parties in contract with the corporation and all
436 holders of leases from the corporation that are authorized to
437 occupy, use, or develop properties under the management
438 jurisdiction of the corporation must procure the proper

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439 insurance as is reasonable or customary to insure against any
440 loss in connection with the properties or with activities
441 authorized in the leases or contracts.

442 (11) COMPREHENSIVE BUSINESS PLAN.--

443 (a) A comprehensive business plan for the management and
444 operation of the preserve as a working ranch and amendments to
445 the business plan may be developed with input from the
446 department and the commission and may be implemented by Babcock
447 Ranch, Inc. Any amendment to the business plan regarding the
448 agricultural operations of the ranch shall not be effective
449 until approved by the commissioner.

450 (b) Any final decision of Babcock Ranch, Inc., to adopt or
451 amend the comprehensive business plan or to approve any activity
452 related to the management of the renewable surface resources of
453 the preserve shall be made in sessions that are open to the
454 public. The board of directors shall establish procedures for
455 providing adequate public information and opportunities for
456 public comment on the proposed comprehensive business plan for
457 the preserve or for amendments to the comprehensive business
458 plan adopted by the members.

459 (c) Not less than 2 years prior to the corporation's
460 assuming management and operation responsibilities for the
461 preserve, the corporation, with input from the commission and
462 the department, must begin developing the comprehensive business
463 plan to carry out the purposes of this section. To the extent
464 consistent with these purposes, the comprehensive business plan
465 shall provide for:

466 1. The management and operation of the preserve as a
467 working ranch.

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2. The protection and conservation of the environmental, agricultural, scientific, scenic, geologic, watershed, fish, wildlife, historic, cultural, and recreational values of the preserve.

3. The promotion of controlled high-quality hunting experiences for the public, with emphasis on deer, turkey, and other game species.

4. Multiple use and sustained yield of the renewable surface resources within the preserve.

5. Public use of and controlled access to the preserve for recreation.

6. The use of renewable resources and management alternatives that, to the extent practicable, benefit local communities and small businesses and enhance the coordination of management objectives with those on surrounding public or private lands. The use of renewable resources and management alternatives should provide cost savings to the corporation through the exchange of services, including, but not limited to, labor and maintenance of facilities, for resources or services provided to the corporation.

(d) On or before the date on which title to the portion of the Babcock Crescent B Ranch being purchased by the state is vested in the Board of Trustees of the Internal Improvement Trust Fund, Babcock Ranch Management, LLC, a limited liability company incorporated in the state, shall provide the commission and the department with the current proprietary management plan and business plan in place.

(12) MANAGEMENT OF PRESERVE; FEES.--

(a) The corporation shall assume all authority provided by this section to manage and operate the preserve as a working

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498 ranch upon a determination by the Board of Trustees of the
499 Internal Improvement Trust Fund that the corporation is able to
500 conduct business and that provision has been made for essential
501 services on the preserve, which, to the maximum extent
502 practicable, shall be made no later than 60 days prior to the
503 termination of the management agreement referenced in paragraph
504 (11) (a).

505 (b) Upon assuming management and operation of the
506 preserve, the corporation shall:

507 1. With input from the commission and the department,
508 manage and operate the preserve and the uses thereof, including,
509 but not limited to, the activities necessary to administer and
510 operate the preserve as a working ranch; the activities
511 necessary for the preservation and development of the land and
512 renewable surface resources of the preserve; the activities
513 necessary for interpretation of the history of the preserve on
514 behalf of the public; the activities necessary for the
515 management, public use, and occupancy of facilities and lands
516 within the preserve; and the maintenance, rehabilitation,
517 repair, and improvement of property within the preserve.

518 2. Develop programs and activities relating to the
519 management of the preserve as a working ranch.

520 3. Negotiate directly with and enter into such agreements,
521 leases, contracts, and other arrangements with any person, firm,
522 association, organization, corporation, or governmental entity,
523 including entities of federal, state, and local governments, as
524 are necessary and appropriate to carry out the purposes and
525 activities authorized by this section.

526 4. Establish procedures for entering into lease agreements
527 and other agreements for the use and occupancy of the facilities

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528 of the preserve. The procedures shall ensure reasonable
529 competition and set guidelines for determining reasonable fees,
530 terms, and conditions for such agreements.

531 5. Assess reasonable fees for admission to, use of, and
532 occupancy of the preserve for operation of the preserve as a
533 working ranch. These fees are independent of fees assessed by
534 the commission for the privilege of hunting, fishing, or
535 pursuing outdoor recreational activities within the preserve and
536 shall be deposited into the operating fund established by the
537 board of directors under the authority provided in this section.

538 (13) MISCELLANEOUS PROVISIONS.--

539 (a) Except for the powers of the commissioner provided in
540 this section and the powers of the commission provided in s. 9,
541 Art. IV of the State Constitution, the preserve shall be managed
542 by Babcock Ranch, Inc.

543 (b) Officers and employees of Babcock Ranch, Inc., are
544 private employees. At the request of the board of directors, the
545 commission and the department may provide state employees for
546 the purpose of implementing this section. Any state employee
547 provided to assist the directors in implementing this section
548 for more than 30 days shall be provided on a reimbursable basis.
549 Reimbursement to the commission and the department shall be made
550 from the corporation's operating fund provided under this
551 section and not from any funds appropriated to the corporation
552 by the Legislature.

553 (14) DISSOLUTION OF BABCOCK RANCH, INCORPORATED.--

554 (a) The corporation may be dissolved only by an act of the
555 Legislature.

556 (b) Upon dissolution of the corporation, the management
557 responsibilities provided in this section shall revert to the

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558 commission and the department unless otherwise provided by the
559 Legislature under the act dissolving Babcock Ranch, Inc.

560 (c) Upon dissolution of the corporation, any cash balances
561 of funds shall revert to the General Revenue fund or such other
562 state fund as may be provided under the act dissolving Babcock
563 Ranch, Inc.

564 Section 2. (1) The sum of \$310 million is appropriated
565 from the Land Acquisition Trust Fund to the Department of
566 Environmental Protection for the purchase of the Babcock
567 Crescent B Ranch contingent upon the purchase or management
568 agreement or both agreements containing or not conflicting with
569 the following provisions:

570 (a) That the Babcock Ranch Management, LLC, shall be the
571 managing entity of the working ranch for 5 years with an option
572 to continue for an additional 5 years.

573 (b) That Babcock Ranch, Inc. shall take over the
574 management of the working ranch after the Babcock Ranch
575 Management, LLC, ceases to be the ranch manager.

576 (c) That Babcock Ranch, Inc. shall adopt a management plan
577 consistent with current ranch management practices when Babcock
578 Ranch Inc. takes over management of the working ranch.

579 (d) That the Commissioner of Agriculture shall have
580 authority to approve or disapprove any proposed changes to the
581 management plan relating to the agricultural operations on the
582 working ranch.

583 (e) That the working ranch shall continue to be operated
584 in a financially self-sustaining manner.

585 (f) That the following ranch operations shall not be
586 prohibited or restricted except by general law:

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1. Silvicultural operations, regardless of species and location.

2. Tenant farming.

3. Hunting leases.

4. Any other bona fide agricultural use.

(2) The funds appropriated in subsection (1) shall be distributed to the seller in accordance with the terms of the purchase agreement but no sooner than the following dates:

(a) The sum of \$162,500,000 on or after July 1, 2006.

(b) The sum of \$62,500,000 on or after July 1, 2007.

(c) The sum of \$62,500,000 on or after July 1, 2008.

(d) The sum of \$22,500,000 on or after July 1, 2009.

Section 3. This act shall take effect upon becoming a law.

===== T I T L E A M E N D M E N T =====

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to land management; creating s. 259.106, F.S.; creating the Babcock Ranch Preserve Act; providing definitions; creating Babcock Ranch, Inc., a not-for-profit corporation to be incorporated in the state; providing that the corporation shall act as an instrumentality of the state for purposes of sovereign immunity under s. 768.28, F.S.; providing that the corporation shall not be an agency under s. 20.03, F.S., or a unit or entity of state government; providing that the corporation is subject to the provisions of chs. 119 and 286, F.S., relating to public records and meetings; requiring public records and meetings; providing for the corporation to be governed by a board of directors;

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617 providing for the qualifications, appointment, removal,
618 and liability of board members and their terms of office;
619 prohibiting any board member from voting on any measure
620 that constitutes a conflict of interest; providing for the
621 board members to serve without compensation, but to
622 receive per diem and travel expenses; providing for
623 organization and meetings; authorizing state agencies to
624 provide state employees for purposes of implementing the
625 Babcock Ranch Preserve; providing certain powers and
626 duties of the corporation; providing limitations on the
627 powers and duties of the corporation; providing that the
628 corporation and its subsidiaries must provide equal
629 employment opportunities; providing for the corporation to
630 establish and manage an operating fund; requiring an
631 annual financial audit of the accounts and records of the
632 corporation; requiring annual reports by the corporation
633 to the Board of Trustees of the Internal Improvement Trust
634 Fund, the Legislature, the Department of Agriculture and
635 Consumer Services, and the Fish and Wildlife Conservation
636 Commission; requiring that the corporation prepare an
637 annual budget; specifying a goal of financially self-
638 sustaining operation within a certain period; providing
639 for the corporation to retain donations and other moneys;
640 requiring that the corporation adopt articles of
641 incorporation and bylaws subject to the approval of the
642 Board of Trustees of the Internal Improvement Trust Fund;
643 authorizing the corporation to appoint advisory
644 committees; providing requirements for a comprehensive
645 business plan; specifying the procedures by which the
646 corporation shall assume the management and operation of

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the Babcock Ranch Preserve; prohibiting the corporation from taking certain actions without the consent of the Board of Trustees of the Internal Improvement Trust Fund; requiring that the corporation be subject to certain state laws and rules governing the procurement of commodities and services; authorizing the corporation to assess reasonable fees; providing for management of the Babcock Ranch Preserve until expiration of a current management agreement; providing for reversion of the management and operation responsibilities to certain agencies upon the dissolution of the corporation; providing that the corporation may be dissolved only by an act of the Legislature; providing for reversion of funds upon the dissolution of the corporation; providing for an appropriation subject to specified conditions; providing a contingent effective date.

WHEREAS, the Babcock Ranch comprises the largest private undeveloped single-ownership tract of land in Charlotte County and contains historical evidence in the form of old logging camps and other artifacts that indicate the importance of this land for domesticated livestock production, timber supply, and other bona fide agricultural uses, and

WHEREAS, the careful husbandry of the Babcock Ranch, including selective timbering, grazing and hunting, and the use of prescribed burning, has preserved a mix of healthy range and timberland with significant species diversity and provides a model for sustainable land development and use, and

WHEREAS, the Babcock Ranch must be protected for current and future generations by continued operation as a working ranch

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677 under a unique management regime that protects the land and
678 resource values of the property and the surrounding ecosystem
679 while allowing and providing for the ranch to become financially
680 self-sustaining, and

681 WHEREAS, it is in the public's best interest that the
682 management regime for the Babcock Ranch include the development
683 of an operational program for appropriate preservation and
684 development of the ranch's land and resources, and

685 WHEREAS, the public's interest will be served by the
686 creation of a not-for-profit corporation to develop and
687 implement environmentally sensitive, cost-effective, and
688 creative methods to manage and operate a working ranch, NOW,
689 THEREFORE,

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